

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MASON ANTHONY WRIGHT,	:	
Plaintiff	:	
vs.	:	CIVIL NO. 4:CV-10-0787
	:	(Judge Caldwell)
DEPARTMENT OF CORRECTIONS,	:	(Magistrate Judge Carlson)
et al.,	:	
Defendants	:	

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On April 13, 2010, defendants removed to federal court a complaint filed by plaintiff Mason Anthony Wright, proceeding pro se, that we will construe as being brought pursuant to 42 U.S.C. § 1983. (Rec. Doc. No. 1). Wright is currently confined at SCI-Huntingdon. His complaint alleges an Eighth Amendment claim based on the treatment, or alleged lack thereof, of his facial dermatitis. The named defendants are the Department of Corrections, Clinton Myers, Bureau of Health Care Services, Linda Farell, Louis Araneda, Dr. Klemick, Dr. Schleicher, Allison Brown and Mary Lou Showalter.

The matter was initially referred to United States Magistrate Judge Martin C. Carlson.

On April 19, 2010, defendants Araneda, Klemick and Brown filed a Motion to Dismiss and a supporting brief. (Rec. Doc. Nos. 4 and 5). On April 20, 2010, defendants Farell, Showalter, Department of Corrections, Myers and Bureau of Health Care Services filed a Motion to Dismiss. (Rec. Doc. No. 6). A supporting brief

was filed May 3, 2010. (Rec. Doc. No. 9). Despite Judge Carlson's order of April 22, 2010, giving more time to plaintiff to file an opposing brief, plaintiff did not file an opposition. Judge Carlson recommended, and this court adopted the recommendation, ordering that all claims prior to January 11, 2008, be dismissed and all claims as to defendants Department of Corrections, Myers, Bureau of Health Care Services, Farell, Areneda and Klemick be dismissed. (Rec. Doc. No. 12).

On October 29, 2010, defendant Brown filed a Motion for Summary Judgment and supporting brief. (Rec. Doc. Nos. 14 and 15). On October 29, 2010 defendant Showalter filed a Motion for Summary Judgment and supporting brief. (Rec. Doc. Nos. 18 and 19). Once again, although Judge Carlson gave plaintiff an extension of time to oppose the motions, plaintiff did not file an opposing brief.

On December 2, 2010, the magistrate judge filed a thirty three-page report and recommendation recommending that the motions for summary judgment be granted because plaintiff failed to provide sufficient evidence that defendants were deliberately indifferent to his medical needs, and pursuant to Local Rule 7.6 and Federal Rule of Civil Procedure 41(b) because plaintiff failed to submit opposing briefs despite being ordered to do so. (Rec. Doc. No. 22). Plaintiff's objections to the report and recommendation were due November 20, 2010, but plaintiff did not file objections.

Because we agree with the magistrate judge's thorough analysis that the action should be dismissed and because plaintiff has not filed objections, we will adopt the magistrate judge's report and recommendation in its entirety. We find that plaintiff failed to provide sufficient evidence that the defendants were deliberately indifferent to his medical needs. We will not rehash the sound reasoning of the magistrate judge.

Accordingly, this 20th day of January, 2011, it is ORDERED that:

1. United States Magistrate Judge Martin C. Carlson's Report and Recommendation is adopted in full. (Rec. Doc. No. 22.)
2. Defendants' Motions for Summary Judgment are GRANTED. (Rec. Doc. Nos. 14 and 18).
3. The complaint is DISMISSED.
4. The clerk is directed to close the case file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge